



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NORFOLK DISTRICT, CORPS OF ENGINEERS
FORT NORFOLK, 803 FRONT STREET
NORFOLK, VIRGINIA 23510-1096

CENAO-TS-G

20 September 2001

MEMORANDUM FOR: ALL MILITARY UNITS LOCATED IN OR ADJACENT TO NAVIGABLE WATERS OF THE UNITED STATES WITHIN THE COMMONWEALTH OF VIRGINIA

SUBJECT: Threat Condition Charlie or Delta - Corps of Engineers Action Granting Legal Authorities in Support of Military Actions, Revision # 1.

1. The United States has implemented Force Protection/Threat Condition Charlie or Delta for its military assets. In response to this action the US. Army Corps of Engineers, Norfolk District, has authorized the temporary establishment of restricted areas in and around all military assets located in or adjacent to waters of the United States in the Commonwealth of Virginia.
2. Military Commanders are authorized by the District Engineer to take actions as provided by law, regulation or directives to implement the actions outlined in Threat Condition Charlie or Delta when so ordered by competent authority.
3. The temporary restricted area and regulation read as follows:
 - (a). The Area: The United States Army Corps of Engineers, Norfolk District, pursuant to the authority granted in 33 C.F.R. §334.3(c) and 33 U.S.C. §1 has established temporary restricted zones adjacent to all military assets located in or adjacent to navigable waters of the United States in the Commonwealth of Virginia when those assets have been ordered to implement the procedures associated with Threat Condition Charlie or Delta. Once military assets are ordered to implement Threat Condition Charlie or Delta:
 - (1) The Commanding Officer of a shore based military facility located adjacent to navigable waters of the U. S. not having an established restricted area, is authorized to establish a temporary restricted area 100 yards channelward of Mean High Water and/or 100 yards in any direction of a pier or other mooring structure.
 - (2) Military facilities surrounded by navigable waters of the United States with no connection to the shore may establish a 100 yard restricted area around the perimeter of the facility.
 - (3) Any military vessel moored at a location outside of an authorized restricted area may establish a 150 foot restricted area around the hull of the vessel on waters of the United States.
 - (b). The Regulation: (1) No vessels or persons may enter restricted areas established by military commands in accordance with this regulation and directives associated with Threat Condition Charlie or Delta without the permission of the Commanding Officer, Officer in Charge or persons or agencies authorized to act in his/her behalf.
 - (2) This regulation authorizes military security personnel, the authority to ascertain the identity and intent of any vessels and/or persons transiting the restricted area that indicate by way of appearance or action they are a possible threat to government assets. If a determination is made that the vessel and/or persons are a threat to government assets located within the restricted area, military security units may take actions as provided by law or regulation that are deemed necessary to protect government personnel and assets located within the restricted area.

- (3) Patrol crafts enforcing the restricted area shall monitor marine channels (VHF) 13 and 16 at all times so vessels approaching a restricted area can contact them for instructions. Commercial and recreational vessels shall contact the Patrol Commander on channel 13 or 16 prior to entering a restricted area.
- (4) City, State and Federal law enforcement vessels shall contact the Patrol Commander of a restricted area on marine channel 13 or 16 or other channel designated by Port Operations Teams/Commanders/COTP prior to entering a restricted area.
- (5) Commercial Fishing vessels may continue to operate within a designated area provide they obtain permission from the enforcement authority of the restricted area and contact the patrol commander via marine channel 13 or 16 prior to entering the area.
- (6) In those navigable waterways or rivers where the width from bank to bank is less than 100 yards and traffic is limited to small commercial or recreational traffic that are unlikely to have VHF radios, security teams may stop, identify, and take other actions provided by law or regulation to ensure the vessel/persons pose no threat to the facility. Once this has been done the vessel may proceed through the restricted area. These vessels are directed to proceed through the restricted as quickly as possible/practical.

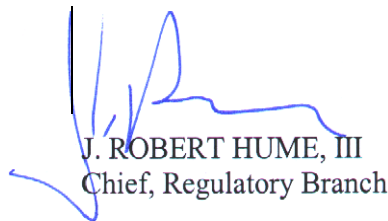
(c). Exceptions: Commercial and recreational traffic will be allowed to pass through restricted areas that may impact established channels and fairways, or those areas where the waterway from bank to bank is less than 100 yards, provided they comply with the conditions set forth in this regulation.

(d). Enforcement: This regulation shall be enforced by the Commanding Officer of any military asset or agencies or persons that he/she may designate while in Threat Condition Charlie or Delta.

(c). Effective Date: 20 September 2001.

(f). Duration: This regulation shall remain in effect until Threat Condition Charlie or Delta has been suspended.

FOR AND IN BEHALF OF THE DISTRICT ENGINEER, COLONEL DAVID L. HANSEN:



J. ROBERT HUME, III
Chief, Regulatory Branch